

**REMARKS**

The Official Action mailed February 19, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on May 1, 2006.

Claims 1-32 are pending in the present application, of which claims 1, 4, 5, 7, 10 and 11 are independent. The Applicant notes with appreciation the allowance of claims 4-17 and 19-32 (Box 5, Office Action Summary, pages 5-9, Paper No. 20090213). Although claims 7-9 are included in the list of rejected claims at Box 6 of the Office Action Summary, the Official Action does not include claims 7-9 in the formal rejection at pages 2-4, and the Official Action clearly indicates that claims 7-9 are allowed at pages 6-7. Claim 1 has been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 1 of the Official Action rejects claims 1-3 and 18 as obvious based on the combination of U.S. Patent No. 6,814,832 to Utsunomiya and U.S. Publication No. 2001/0040645 to Yamazaki. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

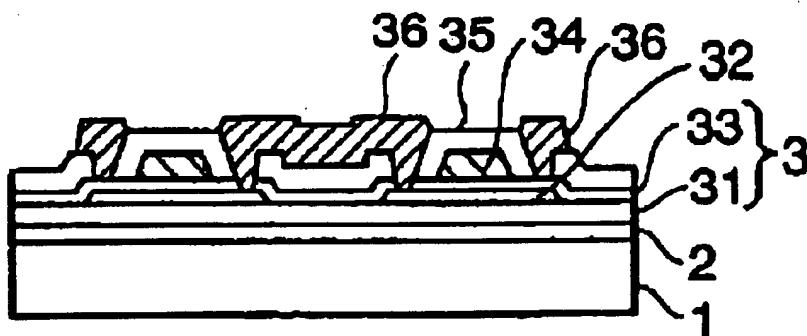
As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the

prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claim 1 has been amended to recite a first step of sequentially forming a first metal film on a first substrate, a first oxide film on the first metal film, and an optical filter on the first oxide film. These features are supported in the present specification, for example, by a first step of sequentially forming a first metal film 102 on a first substrate 101, a first oxide film 103 on the first metal film 102, and an optical filter 104 on the first oxide film 103, as shown, for example, in Figure 3A. For the reasons provided below, Utsunomiya and Yamazaki, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action relies on the wiring film 36, the peeling layer 2 and the element-forming layer 3 of Figure 1A of Utsunomiya (reproduced below) to allegedly teach the first metal film, the first oxide film and the optical filter of the present claims, respectively.

Fig. 1 A



However, Utsunomiya does not appear to teach or suggest a first step of sequentially forming a first metal film on a first substrate, a first oxide film on the first metal film, and an optical filter on the first oxide film.

Yamazaki does not cure the deficiencies in Utsunomiya. Yamazaki is relied upon to allegedly teach "a second step of forming a layer ... including a pixel ... over a surface of a second substrate ..., and attaching a third substrate ... with a first adhesive material ...; and a third step of attaching the first oxide film ... to another surface of the second substrate ... with a second adhesive material ... after the first and second steps" (page 3, Paper No. 20090213). However, Utsunomiya and Yamazaki, either alone or in combination, do not teach or suggest that Utsunomiya should be modified to include a first step of sequentially forming a first metal film on a first substrate, a first oxide film on the first metal film, and an optical filter on the first oxide film.

Since Utsunomiya and Yamazaki do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,

  
Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789